

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(B)**

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Future Talc Claimants*

In re:

LTL Management, LLC,

Debtor.

Case No.: 21-30589

Judge: Michael B. Kaplan

Chapter: 11

**APPLICATION FOR RETENTION OF BERKELEY RESEARCH  
GROUP, LLC, EFFECTIVE AS OF JULY 1, 2022**

1. The applicant, Randi S. Ellis, Legal Representative for Future Talc Claimants ("FTCR"), is the (check all that apply):  
  
☐ Trustee:    ☐ Chap. 7    ☐ Chap. 11    ☐ Chap. 13.  
  
☐ Debtor:    ☐ Chap. 11    ☐ Chap. 13  
  
☐ Official Committee of \_\_\_\_\_  
  
☒ Legal Representative for Future Talc Claimants appointed by the Court March 18, 2022
  
2. The applicant seeks to retain the following professional, Berkeley Research Group, LLC ("BRG") to serve as (check all that apply):  
  
☐ Attorney for:    ☐ Trustee    ☐ Debtor-in-Possession  
  
☐ Official Committee of \_\_\_\_\_  
  
Accountant for:    ☐ Trustee    ☐ Debtor-in-possession  
  
☐ Official Committee of \_\_\_\_\_

☐ Other Professional:

☐ Realtor ☐ Appraiser ☐ Special Counsel

☐ Auctioneer ☒ Other (specify): Talc claim liability consultants

3. The employment of BRG is necessary because:

The FTCCR requires knowledgeable consultants to provide expert consulting services and analysis of talc claim liability, as described in more detail below.

4. BRG has been selected because:

BRG is a consulting firm that provides, among other things, talc liability valuation services. BRG has significant qualifications and experience in providing the services contemplated herein. As indicated in the accompanying Certification of Eric Miller (“Miller Certification”), BRG has designated Dr. Shireen Meer and Dr. Andreas Groehn as the principal experts who will lead BRG’s engagement. As evidenced by the curriculum vitae of Drs. Meer and Groehn, attached as Exhibit 1 and Exhibit 2 to the Miller Certification, BRG professionals have been engaged in several large personal injury damages cases, and have been retained as expert witnesses for the valuation of liability, including for claims evaluation and consulting services for future claimants’ representatives in other matters.

5. BRG services to be rendered are as follows:

The FTCCR anticipates that BRG will render economic consulting, claims valuation and related services to the FTCCR as needed in connection with assessing possible future talc personal injury claims against the Debtor and Johnson & Johnson including related potential costs and liabilities. BRG’s services to the FTCCR in this chapter 11 case (the “Chapter 11 Case”) may include, but are not limited to:

- a. Developing an analytics plan to quantify the nature and extent of personal injury liabilities related to alleged mesothelioma and ovarian cancer claims arising from alleged exposure to Johnson & Johnson, the Debtor and its predecessor’s talc products including estimating the number and value of present and future talc personal injury claims;
- b. developing claims procedures to be used in the development of financial models of payments and assets of a claims resolution trust;
- c. analyzing and responding to issues relating to draft trust distribution procedures; analyzing and responding to issues relating to providing notice to personal injury claimants and reviewing such notice procedures;
- d. analyzing and advising on financial matters, such as valuation of the Debtor, if specifically requested by the FTCCR;
- e. providing expert testimony and reports related to the foregoing and assisting the FTCCR in preparing and evaluating reports and testimony by other experts and consultants; and

f. providing such other consulting services as may be requested by the FTCR.

6. The proposed arrangement for compensation is as follows:

The FTCR seeks to retain and employ BRG in accordance with the terms of the Engagement Letter between BRG and Walsh Pizzi O'Reilly Falanga LLP ("Walsh Firm") (on behalf of the FTCR, dated as of June 30, 2022) (the "Engagement Letter and Agreement"), attached as Exhibit 3 to the Miller Certification.

BRG has indicated its willingness to provide expert consulting services and analysis of talc claim liability for the FTCR and to receive compensation and reimbursement in accordance with its standard billing practices, the provisions of its Standard Commercial Terms contained in the Engagement Letter and Agreement, sections 330 and 331 of the Bankruptcy Code, any order establishing procedures for interim compensation and reimbursement of expenses of retained professionals and any other applicable orders of this Bankruptcy Court. The Engagement Letter and Agreement specifies that the BRG retention is through the Walsh Firm, as counsel to the FTCR; however, the Debtor is solely responsible for the payment of fees for services rendered by BRG any related costs under the terms of the Engagement Letter and Agreement. See Exhibit 3.

BRG has agreed to accept as compensation such sums as may be allowed by the Court.

BRG understands that interim and final fee awards are subject to approval by this Court.

BRG has provided its hourly rates below for work in this case, as follows:

<b><u>Billing Category</u></b>	<b><u>Range</u></b>
Managing Director	\$500 to \$1000
Director	\$450 to \$700
Associate Director	\$400 to \$600
Senior Managing Consultant/Economist	\$350 to \$575
Managing Consultant/Economist	\$300 to \$550
Consultant	\$275 to \$450
Senior Associate	\$205 to \$375
Associate	\$175 to \$325
Support Staff	\$100 to \$300

7. T the best of the applicant's knowledge, BRG's connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

☐ None

☒ Describe connection: I hereby incorporate Paragraph 6 of the Certification of Eric Miller.

8. To the best of the applicant's knowledge, BRG (check all that apply):

☒ does not hold an adverse interest to the estate.

☒ does not represent an adverse interest to the estate.

☒ is a disinterested person under 11 U.S.C. § 101(14).

☒ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. § 327(e).

☐ Other; explain: \_\_\_\_\_

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows: N/A

The applicant respectfully requests authorization to employ BRG to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may determine and allow.

Date: 7/1/2022

s/Mark Falk

Mark Falk

*Counsel for Randi S. Ellis, Legal  
Representative for Future Talc  
Claimants*